

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

DIONICIO BACA,

Plaintiff,

v.

Civ. No. 24-0634-KG-GJF

FNU WILKENS, *et al*,

Defendants.

ORDER OF DISMISSAL

This matter is before the Court following Plaintiff Dionicio Baca's failure to cure deficiencies as directed. Plaintiff is incarcerated and proceeding *pro se* in this prisoner civil rights case. He filed a Motion to Proceed *In Forma Pauperis* (Doc. 2), but it does not attach a six-month inmate account statement, as required by 28 U.S.C. § 1915(a)(2). Plaintiff submitted a statement reflecting one month of transactions (*i.e.*, between May 15, 2024 and June 13, 2024), which is insufficient to calculate the initial partial payment. (Doc. 4) at 4; *see also* 28 U.S.C. § 1915(b) (requiring plaintiff-inmates to submit an account statement reflecting transactions “for [a] 6-month period”). By an Order entered October 8, 2024, the Court directed Plaintiff to file the six-month account statement within thirty days. (Doc. 5). The Order warns that the failure to timely comply may result in dismissal of this case without further notice.

The deadline to submit a six-month inmate account statement was November 7, 2024. Plaintiff did not comply, show cause for such failure, or otherwise respond to the Order. Accordingly, the Court will dismiss his Civil Rights Complaint (Doc. 1) without prejudice under Fed. R. Civ. P. 41(b) “for failure to … comply with [civil rules and] court orders.” *Olsen v. Mapes*, 333 F.3d 1199, 1204 n. 3 (10th Cir. 2003); *see also Salazar v. Arapahoe Cty. Det. Facility*, 787

Fed. App'x 542, 543 (10th Cir. 2019) (affirming dismissal where plaintiff failed to provide a six-month "inmate account statement or explain[] his failure to comply with the ordered deadline"). The Court will also deny Plaintiff's pending Motion to Proceed *In Forma Pauperis*, which is now moot.

IT IS ORDERED:

1. Plaintiff Dionicio Baca's Prisoner Civil Rights Complaint (Doc. 1) is dismissed without prejudice.
2. Plaintiff's Motion to Proceed *In Forma Pauperis* (Doc. 2) is denied as moot.
3. The Court will enter a separate judgment closing the civil case.



UNITED STATES DISTRICT JUDGE